

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANTHONY L. WILSON,

Plaintiff,

Case No.: 3:12-CV-337

vs.

PHIL PLUMMER, *et al.*,

District Judge Timothy S. Black
Magistrate Judge Michael J. Newman

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART *PRO SE*
PLAINTIFF'S MOTION TO COMPEL DISCOVERY (DOC. 53)**

On June 5, 2014, the Court held a telephone hearing with *pro se* Plaintiff and counsel for Defendants to hear oral argument concerning Plaintiff's motion to compel discovery (doc. 53). Having reviewed and liberally construed the motion and attached documents in Plaintiff's favor, and also having considered Defendants' memorandum in opposition (doc. 55), the Court -- with respect to the documents at issue -- finds as follows:

1. Inmate Video Handbook -- Defendants advise this was produced in DVD format in May 2014. Defendants have agreed to review whether it can also be produced in the CD-ROM format as Plaintiff requests;
2. Color photographs of Montgomery County Jail employees -- Defendants are now compiling the photographs. They will produce the photos to Plaintiff upon his release from the London Correctional Institution in late June 2014. The Court agrees that, due to Defendants' legitimate security concerns, the photographs need not be produced now, and can be produced at that time. The Court confirms its prior Order to Plaintiff -- directing him to advise the Court of his new address and telephone number within 14 days of his release from LCI. *See* doc. 52;
3. Jail Manual -- Defendants advise the Court they have produced the entire Manual,

except for the sections concerning MCJ security procedures. The Court finds such disclosure reasonable given the security concerns inherent in jail operations;

4. Legal materials purchased for the MCJ -- Defendants shall compile a list of such legal materials and provide the list to Plaintiff for his review. If, for some reason, the materials no longer exist in the MCJ, or Defendants cannot recall which materials were purchased, they shall so advise Plaintiff;

5. Copies of Plaintiff's grievances and/or kites -- Defendants have already produced copies of Plaintiff's written grievances. Defendants shall produce all grievances and kites in any and all formats; and

6. Investigatory materials reflecting Defendants' investigation of Plaintiff's kites and grievances -- Defendants shall look for such materials and produce them if they are in their possession and/or control. Given the confidential nature of such documents, they shall be produced subject to a Protective Order. A draft Protective Order may be emailed to the undersigned's chambers (newman_chambers@ohsd.uscourts.gov) for the Court's review.

The motion is thus **GRANTED IN PART AND DENIED IN PART**. No costs are awarded to either side. Production, pursuant to this Order, shall occur promptly.

IT IS SO ORDERED.

June 6, 2014

s/ **Michael J. Newman**
United States Magistrate Judge